

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 5, 2002

IN RE:

**APPROVAL OF RESALE AGREEMENT
AND AMENDMENT THERETO
NEGOTIATED BETWEEN CITIZENS
TELECOMMUNICATIONS COMPANY
OF TENNESSEE, LLC D/B/A FRONTIER
COMMUNICATIONS OF TENNESSEE
AND EZ PHONE, INC. PURSUANT TO
SECTIONS 251 AND 252 OF THE
TELECOMMUNICATIONS ACT OF
1996**

DOCKET NO. 02-00508

**ORDER APPROVING
RESALE AGREEMENT AND AMENDMENT THERETO**

This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Deborah Taylor Tate, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the Resale Agreement and Amendment thereto (the "Agreement and Amendment") negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and EZ Phone, Inc. The Agreement was filed on May 2, 2002, and the Amendment¹ was filed on May 20, 2002.

¹ The Amendment reflects the recent name change from Citizens Telecommunications Company of Tennessee, LLC d/b/a Citizens Communications of Tennessee to Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee. In the cover letter to which the Amendment was attached Frontier advises that the "agreement filed was for the resell of services and not interconnection" and states that "the term 'resell' should be substituted for any reference to the term 'interconnection' in the agreement" as the "agreement applies exclusively to the resell of services." See Letter from J. Michael Swats, State Government Affairs Director – South, to K. David Waddell, Executive Secretary, Tennessee Regulatory Authority, RE: Docket # 02-0508 – Resell Agreement – CTC—TN & EZ Phone, (May 16, 2002) (copy on file with the Authority).

Based upon the Petition, record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendment and made the following findings and conclusions:

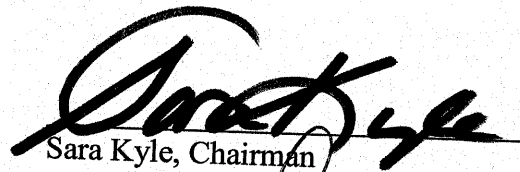
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Agreement and Amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee service area.
- 3) The Agreement and Amendment are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.


² See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

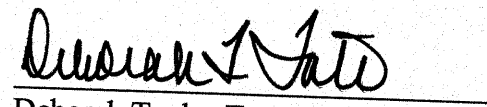
6) The Agreement and Amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Resale Agreement and Amendment thereto negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and EZ Phone, Inc. are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Pat Miller, Director


Deborah Taylor Tate, Director